



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED:	July 1, 2019	
MEETING DATE:	7/17/2019	AGENDA #7 ITEM:
PROJECT NUMBER:	2017-005014-(5)	
PROJECT NAME:	Acton CSD Amendment related to Future Drive-Through Establishments	
PLAN NUMBER(S):	Advance Planning No. RPPL2019003022	
SUPERVISORIAL DISTRICT:	5	
PROJECT LOCATION:	Unincorporated Community of Acton	
PROJECT PLANNER:	Richard Marshalian, AICP, Senior Regional Planner	

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RECOMMENDATION

The Department of Regional Planning staff ("Staff") recommends that the Regional Planning Commission adopt the attached resolution recommending approval to the Los Angeles County ("County") Board of Supervisors ("Board") of the amendment to the Acton Community Standards District ("CSD") related to future drive-through establishments, Advance Planning Plan No. RPPL2019003022.

Staff recommends the following motion:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE ATTACHED RESOLUTION RECOMMENDING APPROVAL TO THE LOS ANGELES COUNTY BOARD OF SUPERVISORS OF THE ACTON CSD AMENDMENT RELATED TO FUTURE DRIVE-THROUGH ESTABLISHMENTS, ADVANCE PLANNING PLAN NO. RPPL2019003022.

PROJECT DESCRIPTION

A. Project

Advance Planning Plan Number RPPL2019003022 is an amendment to the Acton CSD to clarify the definition of a “new drive-through facility or service,” as directed by the Board in their motion dated April 16, 2019 (please see Exhibit C).

This amendment adds language to the Acton CSD that further clarifies the term “new drive-through facility or service” in the CSD.

No new or additional standards are proposed or modified as a part of this project.

B. Project Background

The Acton CSD, which was first adopted in 1995, regulates the uses and development standards for the community of Acton and was established “to protect and enhance the rural, equestrian, and agricultural character of the community...”.

On July 19, 2017 and August 16, 2017, Regional Planning Commission conducted public hearings on Advance Planning Plan Number RPPL2017007836 to consider a prohibition on new drive-through establishments in Acton. On August 16, 2017, the Acton CSD amendment was recommended for approval. On December 5, 2017, the Board held a public hearing and indicated their intent to approve the project. On June 6, 2018, the Board adopted the Acton CSD amendment and it became effective on July 6, 2018.

On April 16, 2019, the Board directed the Staff to study and report upon a zoning amendment to the Acton CSD to clarify the term “new drive-through facility or service” (Exhibit C).

PROJECT LOCATION

This project seeks to amend the Acton CSD, which encompasses the area described in the map below.



ANALYSIS

A. Draft Ordinance

This proposed amendment to the Acton CSD clarifies the term “new drive-through facility or service”. The term “new drive-through establishment or service” does not include those establishments or services that were lawfully established or approved by the final decision maker as of the effective date of the earlier amendment to the Acton CSD, or July 6, 2018.

Within the Acton CSD area, these are the known drive-through establishments that would not be considered a "New Drive-Through Facility or Service", pursuant to this draft ordinance:

	Drive-Through Establishment Address	APN(s)	Established Use(s)
1	2211 Sierra Highway, Acton, CA 93510	3057019004	Restaurant with Drive-Through
2	3830 Sierra Highway, Acton, CA 93510	3217021023	Restaurant with Drive-Through
3	3750 Sierra Highway, Acton, CA 93510	3217021019 3217021020	Restaurant with Drive-Through
4	3910 Sierra Highway, Acton, CA 93510	3217021022	Restaurant with Drive-Through
5	3820 Sierra Highway, Acton, CA 93510	3217021024	Gas Station Car Wash

These were existing or approved establishments as of the time of the effective date of the Acton CSD, July 6, 2018, and would not be considered to be new.

Non-Conforming Uses and Amortization

For the previous 2018 amendment to the Acton CSD (RPPL2017007836), Staff reported that drive-through establishments in Acton were subject to an amortization period of 5 years as a result of the zone changes and ordinance amendments associated with the Antelope Valley Area Plan. This was based on the understanding that the non-conforming use would be operated in a conforming structure as understood in Chapter 22.172 (Nonconforming Uses, Buildings and Structures) of the County Code.

However, after further review and consideration, it is understood that the drive-through establishments could have included structural improvements that were made specifically for the drive-through component of the use. These improvements may include outdoor message boards, lighting, microphone and speaker systems, among other features. As a result, the structures would be non-conforming. The amortization period of non-conforming uses in nonconforming structures, such as the drive-through establishments identified above within the community of Acton, is 20 years or longer depending on the type of structure.

At the end of the amortization period as defined in Chapter 22.172 (Nonconforming Uses, Buildings and Structures) of the County Code, for the known establishments listed above within Acton the operator must either abandon the drive through use, or obtain a Conditional Use Permit pursuant to Section 22.24.030 (Land Use Regulations for Rural Zones) and Chapter 22.158 (Conditional Use Permits) of the County Code. Those establishments authorized through a separate grant must comply with the conditions of that grant.

B. Land Use Compatibility

The Acton CSD falls within the Antelope Valley Area Plan. There are no changes proposed to the land use categories of the Antelope Valley Area Plan as part of this amendment.

C. Neighborhood Impact

The proposed amendment clarifies language in the Acton CSD and does not make any substantive changes.

D. Design Compatibility

This proposed amendment clarifies the Acton CSD related to the prohibition of new drive-through establishments.

E. Community Plan Compatibility

The proposed amendment is a clarification of the language in the existing CSD, and compatible with the Antelope Valley Area Plan.

ENVIRONMENTAL ANALYSIS

Pursuant to California Environmental Quality Act ("CEQA") statute §21065 and guideline §15060(c)(2), your Commission's action is not subject to CEQA, and is otherwise exempt pursuant to guideline §15061(b)(3).

CEQA Guideline §15060(c)(2) states that a project is not subject to CEQA if "...[the] activity will not result in a direct or reasonably foreseeable indirect physical change to the environment...." This proposed amendment defines a term in the Acton CSD to clarify new drive-through establishments subject to the prohibition. Because the amendment is not changing the standards for establishments or otherwise amending the development standards for those existing drive-through establishments, there is no potential to result in either a direct or indirect physical change in the environment.

If deemed otherwise, this proposed amendment would be exempt pursuant to CEQA Guideline §15061(b)(3), which states that a project is exempt from CEQA if the activity is covered by a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This amendment would not have the potential for causing a significant effect on the environment because it clarifies the term "new drive-through establishment" in the Acton CSD, and does not change the standards that apply to existing or approved drive-through establishments.

OUTREACH AND ENGAGEMENT

A. County Department Comments and Recommendations

Staff has not received any comments at the time of report preparation. The proposed CSD amendment clarifies a definition within the Acton CSD and comments from other County Departments are not expected.

B. Project Outreach and Engagement

Affected properties, stakeholders and individuals on the relevant Zoned District Courtesy Lists were informed of the project via mailed courtesy postcard notices on June 13, 2019. A notice of the project hearing date and information was published in the Acton / Agua Dulce Weekly newspaper on June 17, 2019, and information was available at the Acton / Agua Dulce Library, the Antelope Valley Field Office, and at Regional Planning downtown headquarters starting June 13, 2019. In addition, interested parties inquiring about the project were contacted via email on June 13, 2019.

C. Public Comments

A total of one (1) letter was received regarding the project from a local resident. (Exhibit D – Public Correspondence) The letter commented on the timing of the public hearing during a time the resident could not attend, and requested the hearing be postponed to a later date when the resident could attend.

See Exhibit D for copies of correspondence(s).

Report

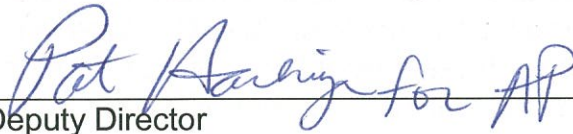
Reviewed By:



Susan Tae, Supervising Regional Planner

Report

Approved By:



Deputy Director

LIST OF ATTACHED EXHIBITS

EXHIBIT A	Ordinance
EXHIBIT B	Draft Resolution
EXHIBIT C	2019 Acton CSD Drive-Through Motion
EXHIBIT D	Public Correspondence